

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re:) Judge A. Benjamin Goldgar
LANNY GIBRICK) Chapter 7
)
) Case No.: 15 B 23651
Debtor.)

ROBERT GOLDEN,)
)
 Plaintiff,)
 v.) 16-0014
)
 LANNY GIBRICK,)
)
 Defendant.)

NOTICE OF MOTION TO DISMISS COMPLAINT

TO: The Law Office of Brendan R. Appel, 191 Waukegan Road, Suite 360, Northfield, IL 60093;

PLEASE TAKE NOTICE that on February 19, 2016 at **1:30 p.m.**, or as soon as counsel may be heard, I shall appear before the Honorable Judge A. Benjamin Goldgar, or any other judge that may be sitting in his stead at the North Branch Court located at 1792 Nicole Lane, Round Lake Beach, IL 60073, and then and there present the attached Motion to Dismiss Complaint, and shall pray for entry of an Order in compliance therewith.

_____/s/ Andrew Youra_____
Andrew Youra (06292102)
Attorney for Debtor

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalties of perjury as provided by 735 5/1-109 of the Illinois Code of Civil Procedure, that the above-noted motion was placed in the U.S. Mail properly addressed and mailed with first class postage prepaid, before the hour of 5:00 p.m. on February 12, 2016.

_____/s/ Andrew Youra_____
Andrew Youra (06292102)

**Shaw Law, Ltd.
33 N. County Street
Suite 100
Waukegan, Illinois 60085
847-622-8900**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

<i>In Re:</i> LANNY GIBRICK)	Judge A. Benjamin Goldgar
)	Chapter 7
)	
)	Case No.: 15 B 23651
<i>Debtor.</i>)	

ROBERT GOLDEN,)	
)	
Plaintiff,)	
vi.)	16-0014
)	
LANNY GIBRICK,)	
)	
Defendant.)	

MOTION TO DISMISS COMPLAINT

The Defendant, Lanny Gibrick, by and through his attorney Andrew Youra, moves this Court for the entry of an order dismissing the plaintiff's complaint. In support thereof, Defendant states as follows:

1. Robert Golden ("Plaintiff") asserts in the complaint that the debt should be excepted from discharge pursuant to 11 U.S.C. 523(a)(2).

Plaintiff's complaint should be dismissed in its entirety because it was not filed before the deadline set by F.R.B.P. 4007(c).

2. Federal Rule of Bankruptcy Procedure 4007(c) states that a complaint to determine the dischargability of a debt shall be filed no later than 60 days after the first date set for the meeting of creditors under 341(a).
3. The first date set for the meeting of creditors was November 6, 2015. Therefore, the deadline for objections to discharge was January 5, 2016.
4. Plaintiff's original complaint was filed on January 6, 2016.

5. Plaintiff was aware, or should have been aware of the deadline as he was sent the 341 meeting notice containing the deadline by the Bankruptcy Notice Center on September 19, 2015 and appeared by counsel for the scheduled 341 meeting.
6. Furthermore, Plaintiff retained counsel prior to November 6, 2015. Plaintiff's counsel appeared at the 341 meeting on November 6, 2015.
7. Plaintiff's counsel was aware, or should have been aware of the deadline for objections to dischargability.

Wherefore, Defendant moves this Court to dismiss Plaintiff's complaint as being filed after the deadline pursuant to F.R.B.P. 4007(c).

Respectfully Submitted,

Lanny Gibrick,

BY: /s/ Andrew Youra
Andrew Youra (06292102)
Attorney for Debtor

Shaw Law, Ltd.
33 N. County Street, Suite 300
Waukegan, IL 60085
847-622-8900
fax - 847-622-8901